

Please Note: The Council Meeting will be conducted at Rolla City Hall but physical participation will be limited per CDC guidelines. Citizens are encouraged to watch the proceedings live on Fidelity Cable Channel 16 or through the Fidelity YouTube link at <https://www.youtube.com/channel/UCffrfbYSOqtuhOAVkCCyieA>

COUNCIL PRAYER

Ministerial Alliance

**Rolla City Council Meeting
Monday, July 20, 2020
901 North Elm Street
City Hall Council Chambers
6:30 P.M.**

PLEDGE OF ALLEGIANCE

Councilwoman Marie Allen

I. PUBLIC HEARINGS

None.

II. SPECIAL PRESENTATIONS

A) Power Wellness Presentation – Recreation Center Operations – Mr. Ken Gorman

III. OLD BUSINESS

IV. NEW BUSINESS

- A) **Ordinance** Amending Sec. 30-16.d.4. of the Code Pertaining to “Plead & Pay”–
Marijuana Possession – (City Administrator John Butz) – **First Reading**
B) **Ordinance** to Consider COVID-19 Action -
(City Administrator John Butz) – **First/Final Readings**

V. CLAIMS and/or FISCAL TRANSACTIONS

A) **Motion** Awarding Bids for Southwest Wastewater Treatment Plant Clarifier Parts
and Repairs – (Public Works Director Steve Hargis) – **Motions**

VI. MAYOR/CITY COUNCIL COMMENTS

- A) **Motion** Appointing Mr. Dale Martin to the Enhanced Enterprise Zone (EEZ) Board
(June 2024) – **Motion**
B) Report of Marijuana Possession Charges: State vs. Municipal Court
C) Audit Committee Appointments – Mayor Magdits

VII. CITIZEN COMMUNICATION

- A) Open Citizen Communication
B) Neighborhood Drug Activity – Ms. Holly Esposito

VIII. COMMENTS FOR THE GOOD OF THE ORDER

IX. CLOSED SESSION

Pursuant to Section 610.021 RSMo. the City Council will discuss the following issues in Closed Session:

- A) Contract Negotiations
- B) Real Estate

X. ADJOURNMENT

CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: John Butz
City Administrator

ACTION REQUESTED: First Reading

ITEM/SUBJECT: Ordinance to Amend Sec. 30-16.d.4 of City Code Pertaining to
"Plead & Pay" – Marijuana Possession

BUDGET APPROPRIATION (IF APPLICABLE) N/A DATE: July 20, 2020

COMMENTARY:

As discussed with Municipal Judge James Crump, City Attorney (Prosecutor) Brad Neckermann and City Counselor Lance Thurman at the last Council Meeting Section 30-16 of the Rolla City Code provides a mechanism for first time, small quantity marijuana possession to plead guilty and remit a fine of no more than \$100. Such a pleading operates under a "violations bureau" and avoids an appearance in municipal court.

The State, through the Office of State Courts, maintains a Uniform Fine Schedule that today requires consistency across the State. Minor marijuana possession is not currently an authorized "plead & pay" proceeding. The attached ordinance amends Section 30-16 by eliminating that provision. The impact of such action means those cases will need to be heard before the municipal judge. Rolla has issued an average 32 such citations over the last two years (less than three per month).

Recommendation: First Reading

IV A.1.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 30-16.d.4. OF THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO MARIJUANA – POSSESSION.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AS FOLLOWS:

Section 1: That Section 30-16.d.4. of the General Ordinances of the City of Rolla, Missouri, known as the Code of the City of Rolla, Missouri, relating to marijuana - possession is hereby amended to read as follows:

Sec. 30-16.d.4.

d. Any person who violating the provisions of this Section is guilty of a misdemeanor and, upon conviction, shall be punished as follows:

1. By a fine not exceeding five hundred dollars;
2. By imprisonment for a period not exceeding ninety days; or
3. By both such fine and imprisonment;
4. Persons who are found to unlawfully possess ten or less grams of marijuana, and have no prior history of drug offenses shall, in lieu of an arrest: (1) be issued a citation, ~~and (2) shall not be required to appear in court if paying fine,~~ and (23) shall not be fined more than \$100.

Section 2: That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 3rd DAY OF AUGUST 2020.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY COUNSELOR

IV. A.2.

FINE SCHEDULE FOR MUNICIPAL OFFENSES
APPROVED BY UNIFORM FINE SCHEDULE COMMITTEE AUGUST 29, 2019
EFFECTIVE MAY 1, 2020

CHARGE CODE	DESCRIPTION	FINE
ORDIN.0-004N20005499.0	ANIMAL LICENSE	\$50.50
ORDIN.0-005N20165599.0	ANIMAL AT LARGE	\$50.50
ORDIN.0-013N20005499.0	OPERATE ALL-TERRAIN VEHICLE UPON A HIGHWAY/STREET NOT AUTHORIZED	\$50.50
ORDIN.0-014N20005499.0	OPERATE ALL-TERRAIN VEHICLE CARRYING A PASSENGER	\$50.50
ORDIN.0-015N20005499.0	OPERATE ALL-TERRAIN VEHICLE WITHOUT PROPER BICYCLE SAFETY FLAG	\$50.50
ORDIN.0-016N20005499.0	OPERATE ALL-TERRAIN VEHICLE WITHIN A STREAM OR RIVER	\$149.50
ORDIN.0-017N20005499.0	OPERATE ALL-TERRAIN VEHICLE ON HWY WITHOUT OPERATOR OR CHAUFFEUR LICENSE	\$60.50
ORDIN.0-020N20005499.0	OPERATE ATV ON HWY IN EXCESS OF 30 MILES PER HOUR	\$60.50
ORDIN.0-021N20005499.0	PERSON UNDER 18 YEARS OF AGE OPERATE ALL-TERRAIN VEHICLE WITHOUT SECURELY FASTENED SAFETY HELMET ON HEAD	\$50.50
ORDIN.0-038Y20005499.0	EXPIRED DRIVER'S LICENSE	\$50.50
ORDIN.0-047N20005499.0	PERMITTED INVALIDATED LICENSEE TO OPERATE MOTORCYCLE	\$70.50
ORDIN.0-105N20005499.0	IMPROPER BACKING	\$60.50
ORDIN.0-106N20035499.0	WEAVING	\$60.50
ORDIN.0-107N20005499.0	FAILED TO DRIVE ON RIGHT HALF OF ROADWAY WHEN ROADWAY WAS OF SUFFICIENT WIDTH	\$60.50
ORDIN.0-108N20005499.0	FAILED TO DRIVE WITHIN SINGLE LANE	\$60.50
ORDIN.0-109N20005499.0	DROVE VEHICLE TO LEFT SIDE OF ROADWAY WHEN VIEW OBSTRUCTED BY HILL/CURVE	\$130.50
ORDIN.0-110N20005499.0	DROVE VEHICLE TO LEFT SIDE OF ROADWAY WITHIN 100 FEET OF BRIDGE/VIADUCT/TUNNEL WHEN VIEW OBSTRUCTED	\$130.50
ORDIN.0-114N20005499.0	MADE U-TURN/INTERFERED WITH TRAFFIC WHERE VISION LESS THAN 300 FEET - TRAFFIC HAZARD CREATED	\$60.50
ORDIN.0-117N20005499.0	DROVE IN CENTER LANE OF 3-LANE ROAD WHEN VIEW OBSTRUCTED/NOT CLEAR OF TRAFFIC	\$60.50
ORDIN.0-118N20005499.0	DROVE IN CENTER LANE OF 3-LANE ROAD WHEN VIEW OBSTRUCTED/NOT CLEAR OF TRAFFIC - CAUSE IMMEDIATE THREAT OF ACCIDENT	\$60.50
ORDIN.0-120N20005499.0	DROVE WRONG DIRECTION ON STREET	\$60.50
ORDIN.0-121N20005499.0	DROVE WRONG DIRECTION ON STREET - CAUSE IMMEDIATE THREAT OF ACCIDENT	\$60.50
ORDIN.0-123N20005499.0	FAILED TO DRIVE ON RIGHT HALF OF ROADWAY WHEN ROADWAY WAS SUFFICIENT WIDTH - CAUSE IMMEDIATE THREAT OF ACCIDENT	\$60.50
ORDIN.0-125N20035499.0	FAILURE TO STAY ON PAVEMENT	\$60.50
ORDIN.0-126N20005499.0	ILLEGAL/IMPROPER TURNING	\$60.50
ORDIN.0-127N20005499.0	TURNED RIGHT ON RED SIGNAL WHERE PROHIBITED BY SIGN	\$60.50
ORDIN.0-128N20005499.0	FAIL TO SIGNAL/GAVE IMPROPER SIGNAL WHEN STOPPING/TURNING LEFT OR RIGHT	\$60.50
ORDIN.0-129N20005499.0	ENTERED/TRAVELED IN A LANE OVER WHICH A RED SIGNAL WAS SHOWN	\$60.50
ORDIN.0-131N20005499.0	MADE U-TURN NOT AT CROSSOVER	\$60.50
ORDIN.0-132N20005499.0	MADE U-TURN AT INTERSECTION CONTROLLED BY TRAFFIC SIGNAL/POLICE OFFICER	\$60.50
ORDIN.0-133N20005499.0	MADE U-TURN NOT AT CROSSOVER-CAUSE IMMEDIATE THREAT OF ACCIDENT	\$60.50
ORDIN.0-135N20005499.0	FOLLOWED ANOTHER VEHICLE TOO CLOSELY	\$60.50
ORDIN.0-137N20005499.0	IMPROPER LANE USE	\$60.50

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ORDIN.0-138N20005499.0	TRUCK OVER 18000 LBS FOLLOWED ANOTHER VEHICLE TOO CLOSELY	\$130.50
ORDIN.0-139N20005499.0	FOLLOWED ANOTHER BUS/TRUCK CLOSER THAN 300 FT	\$130.50
ORDIN.0-140N20005499.0	FAIL TO YIELD AFTER STOPPING TO VEHICLE THAT ENTERED INTERSECTION/SO CLOSE TO CAUSE HAZARD	\$60.50
ORDIN.0-141N20005499.0	IMPROPER PASSING OF A STREETCAR	\$80.50
ORDIN.0-142N20005499.0	CHANGED LANES WHEN MOVEMENT COULD NOT BE MADE WITH SAFETY	\$60.50
ORDIN.0-143N20005499.0	CHANGED LANES WHEN MOVEMENT COULD NOT BE MADE WITH SAFETY - CAUSE IMMEDIATE THREAT OF ACCIDENT	\$60.50
ORDIN.0-145N20005499.0	PASS VEHICLE ON RIGHT/TRAVELED OFF MAIN PORTION OF ROAD	\$80.50
ORDIN.0-146N20005499.0	PASS VEHICLE/INTERFERED WITH APPROACHING TRAFFIC	\$130.50
ORDIN.0-147N20005499.0	STOPPED/SLOWED SPEED/TURNED FROM DIRECT COURSE/MOVED VEH RGT/LFT WHEN UNSAFE	\$60.50
ORDIN.0-148N20005499.0	OPERATE/TRANSPORT IMPLEMENTS OF HUSBANDRY ON ROADWAY BETWEEN SUNSET AND SUNRISE	\$80.50
ORDIN.0-150N20005499.0	FAIL TO STOP FOR SCHOOL BUS RECEIVING/DISCHARGING SCHOOL CHILDREN	\$130.50
ORDIN.0-156N20095499.0	PERSON 21 YEARS OLD OR LESS OPERATE MOVING MOTOR VEHICLE WHILE SENDING/READING/TEXTING ON MOBILE ELECTRONIC DEVICE	\$80.50
ORDIII.0-157N20005499.0	NO HEADLIGHTS WHEN REQUIRED	\$50.50
ORDIN.0-158N20035499.0	FAILURE TO DIM LIGHTS	\$50.50
ORDIN.0-159N20005499.0	DEFECTIVE EQUIPMENT	\$50.50
ORDIN.0-161N200054__0	VIOLATE OUT-OF-SERVICE ORDER WHILE TRANSPORTING HAZARDOUS MATERIALS - 1ST OFFENSE	\$130.50
ORDIN.0-163N20005499.0	VIOLATE OUT-OF-STATE ORDER WHILE OPERATING MOTOR VEHICLE DESIGNED TO TRANSPORT MORE THAN 15 PASSENGERS INCLUDING DRIVER - 1ST OFFENSE	\$130.50
ORDIII.0-188N20005499.0	OPERATE MOTORIZED BICYCLE ON HIGHWAY - STREET WITHOUT VALID DRIVERS LICENSE	\$50.50
ORDIN.0-189N20005499.0	OPERATE MOTORIZED BICYCLE ON INTERSTATE HIGHWAY	\$50.50
ORDIII.0-190N20005499.0	FAIL TO WEAR PROTECTIVE HEADGEAR WHEN ON MOTORCYCLE IN MOTION/WEAR APPROVED GEAR ***	\$25.00
ORDIN.0-192N20005499.0	FAIL TO OBEY TRAFFIC CONTROL DEVICES	\$60.50
ORDIN.0-193N20005499.0	RED LIGHT VIOLATION	\$60.50
ORDIN.0-194N20005499.0	FAIL TO STOP AT STOP SIGN AT STOP LINE BEFORE CROSWLK/POINT NEAREST INTRSCION	\$60.50
ORDIN.0-195N20105499.0	FAIL TO STOP AT STOP SIGN AT STOP LINE/BEFORE CROSSWALK/POINT NEAREST INTERSECTION - COUNTY	\$60.50
ORDIII.0-196N20005499.0	FAIL TO TURN AS DIRECTED OR REQUIRED BY INTERSECTION TRAFFIC CONTROL DEVICE	\$60.50
ORDIN.0-198N20005499.0	FAILED TO PROCEED WITH CAUTION PAST FLASHING YELLOW SIGNAL	\$60.50
ORDIN.0-199N20005499.0	FAILED TO STOP FOR FLASHING RED SIGNAL AT STOP LINE/CROSSWALK/POINT NEAREST INTERSECTION	\$60.50
ORDIN.0-200N20005499.0	FAILED TO STOP FOR STEADY RED SIGNAL AT CROSSWALK/STOP LINE/POINT NEAREST INTERSECTION	\$60.50
ORDIN.0-201N20005499.0	FAILED TO OBEY OFFICIAL SIGNS TEMPORARILY DESIGNATING LANES	\$60.50
ORDIN.0-202N20005499.0	FAILED TO OBEY OFFICIAL SIGNS TEMPORARILY DESIGNATING LANES - CAUSE IMMEDIATE THREAT OF ACCIDENT	\$60.50
ORDIN.0-204N20005499.0	CUT IN ON OVERTAKEN VEHICLE	\$80.50
ORDIN.0-205N20005499.0	FAILED TO YIELD	\$60.50
ORDIN.0-206N20005499.0	FAIL TO SLOW TO REASONABLE SPEED FOR EXISTING CONDITIONS FOR YIELD SIGN	\$60.50
ORDIN.0-207N20005499.0	FAILED TO YIELD TO VEHICLE THAT HAD ENTERED INTERSECTION WITH NO TRAFFIC CONTROL	\$60.50
ORDIN.0-208N20005499.0	FAILED TO YIELD RIGHT OF WAY TO PEDESTRIAN FACING WALK SIGNAL	\$60.50

IV. A. 4.

ORDIN.0-209N20005499.0	FAIL TO YIELD TO APPROACHING VEHICLE WHEN ENTERING/CROSSING HIGHWAY FROM ALLEY/DRIVEWAY	\$60.50
ORDIN.0-210N20005499.0	FAIL TO YIELD TO APPROACHING VEHICLE WHEN TURNING LEFT INTO ALLEY/PRIVATE ROAD/DRIVEWAY	\$60.50
ORDIN.0-211N20005499.0	FAILED TO YIELD RIGHT OF WAY TO VEHICLE/PEDESTRIAN LAWFULLY IN CONTROLLED INTERSECTION OR CROSSWALK	\$60.50
ORDIN.0-212N20005499.0	FAILED TO YIELD TO VEHICLE ON RIGHT THAT ENTERED INTERSECTION AT APPROXIMATELY SAME TIME	\$60.50
ORDIN.0-213N20005499.0	FAIL TO YIELD TO VEHICLE APPROACHING FROM OPPOSITE DIRECTION WHEN TURNING LEFT	\$60.50
ORDIN.0-215N20005499.0	FAIL TO YIELD TO EMERGENCY VEHICLE SOUNDING AUDIBLE SIREN SIGNAL/DISPLAY LIGHTED VISIBLE RED/BLUE LIGHT	\$80.50
ORDIN.0-216N20065499.0	FAILURE TO PROCEED WITH CAUTION/YIELD RIGHT-OF-WAY/REDUCE SPEED WHEN APPROACHING A STATIONARY EMERGENCY VEHICLE DISPLAYING EMERGENCY LIGHTS	\$80.50
ORDIN.0-223N20005499.0	ACTIVATED SIREN/WARNING LIGHTS ON EMERGENCY VEHICLE WHEN NOT IN PURSUIT/ON AN EMERGENCY MISSION	\$80.50
ORDIN.0-224N20005499.0	FAILED TO MAKE/APPROACH FOR LEFT TURN WITHIN PROPER LANE	\$60.50
ORDIN.0-231N20005499.0	DROVE AT SUCH SLOW SPEED TO IMPEDE/BLOCK NORMAL AND REASONABLE TRAFFIC MOVEMENT	\$60.50
ORDIN.0-233N20075499._	VIOLATION OF RESTRICTIONS/REGULATIONS REGARDING TOW TRUCKS	\$130.50
ORDIN.0-242N20035499.0	OBSTRUCTING TRAFFIC	\$50.50
ORDIN.0-243N20005499.0	EQUIPMENT VIOLATION	\$50.50
ORDIN.0-244N20005499.0	EXCESSIVE NOISE - VEHICULAR	\$50.50 @ @
ORDIN.0-246N20035499.0	CRUISING	\$20.50
ORDIN.0-250N20005499.0	FAILED TO PLACE VEHICLE NOT IN MOTION AS NEAR RIGHT HAND SIDE OF ROAD AS PRACTICABLE	\$60.50
ORDIN.0-251N20005499.0	FAILED TO PLACE VEHICLE NOT IN MOTION AS NEAR RIGHT HAND SIDE OF ROAD AS PRACTICABLE CAUSING IMMEDIATE THREAT OF ACCIDENT	\$60.50
ORDIN.0-265N20005499.0	HANDICAPPED PARKING VIOLATION	\$100.50 @ @
ORDIN.0-269N20005499.0	PARKING VIOLATION	\$15.50 @ @
ORDIN.0-271N20005499.0	MISCELLANEOUS PARKING VIOLATION	\$50.50 @ @ @
ORDIN.0-279N20005499.0	BICYCLE VIOLATION	\$15.50 @ @
ORDIN.0-281N20005499.0	MISCELLANEOUS PEDESTRIAN VIOLATION	\$15.50 @ @
ORDIN.0-288N20005499.0	EXPIRED PLATES	\$50.50
ORDIN.0-289N20005499.0	FAILED TO REGISTER VEHICLE	\$50.50
ORDIN.0-290N20005499.0	VEHICLE LICENSE/INSPECTION/TITLE	\$50.50
ORDIN.0-293N20005499.0	DRIVER OF MOTOR VEHICLE FAILED TO WEAR PROPERLY ADJUSTED/FASTENED SAFETY BELT	\$10.00 ***
ORDIN.0-294N20105499.0	DRIVER FAIL TO SECURE CHILD 80 POUNDS OR MORE OR OVER 4 FEET 9 INCHES IN BOOSTER SEAT OR SAFETY BELT	\$10.00 ***
ORDIN.0-295N20105499.0	DRIVER FAIL TO SECURE CHILD LESS THAN 8 YEARS OLD IN A CHILD RESTRAINT OR BOOSTER SEAT	\$49.50
ORDIN.0-296N20005499.0	PERSON LESS THAN 18 YEARS OF AGE OPERATING/RIDING IN TRUCK FAILED TO WEAR PROPERLY ADJUSTED/FASTENED SEAT BELT	\$10.00 ***
ORDIN.0-297N20005499.0	SEATBELT VIOLATION-OTHER	\$10.00 ***
ORDIN.0-316N20005499.0	EXCEEDED POSTED SPEED LIMIT (1-5 MPH OVER)	\$50.50
ORDIN.0-317N20005499.0	EXCEEDED POSTED SPEED LIMIT (6-10 MPH OVER)	\$60.50
ORDIN.0-318N20005499.0	EXCEEDED POSTED SPEED LIMIT (11-15 MPH OVER)	\$70.50
ORDIN.0-319N20005499.0	EXCEEDED POSTED SPEED LIMIT (16-19 MPH OVER)	\$100.50

IV.A.5.

ORDIN.0-320N20005499.0	EXCEEDED POSTED SPEED LIMIT (20-25 MPH OVER)	\$155.50
ORDIN.0-379N20005499.0	INCREASED SPEED WHILE BEING PASSED	\$80.50
ORDIN.0-388N201654__0	DISPLAY/POSS PLATES OF ANOTHER	\$50.50
ORDIN.0-389N201654__0	DISPLAY UNLAWFUL PLATES	\$50.50
ORDIN.0-398N20195499	OPER MTR VEH WITHOUT LIGHTED LAMPS DURING PERIODS OF FOG/WEATHER CONDITIONS	\$10.00
ORDIN.0-405N20207399.0	Nuisance - Abandoned Vehicle	\$50.50 @@
ORDIN.0-406N20207399.0	Nuisance (Violations Bureau)	\$100.50 @@

***By statute, fine only. No court costs are assessed for these violations

@@ Modified January 1, 2020

@@@ Modified May 1, 2020

Revised 04/02/20

IV. A. 6.

IN THE CIRCUIT COURT OF PHELPS COUNTY, MISSOURI
ROLLA MUNICIPAL DIVISION

ADMINISTRATIVE ORDER RE: VIOLATIONS BUREAU ORDER

WHEREAS, Missouri Supreme Court Rules 37.49 and 37.495 govern and authorize a municipal judge to create a violations bureau, which allows defendants, for certain types of offenses, to plead guilty and pay a standard fine without appearing in court; and

WHEREAS, Rules 37.49 and 37.495 mandate that if a municipal judge wants to enter a violations bureau order, the judge must strictly follow a state-wide, standardized schedule, and that a municipal judge cannot, under any circumstance: (a) change the standardized fine; (b) add an ordinance violation which is not on the state-wide schedule; (c) omit an ordinance violation which is on the state-wide schedule; or (d) create a system which allows wholesale bypass of the state-wide schedule; and

WHEREAS, Rolla City Code §30-16.d.4(2) provides that certain people charged with possession of marijuana, under certain circumstances, are not required to appear in court if only paying a fine; and

WHEREAS, the charge of possession of marijuana is not on the state-wide, standardized schedule; and

WHEREAS, in 2018, the Rolla Municipal Division disposed of 2,293 cases, with 1,713 cases were disposed of either by out-of-court written guilty pleas (863) or by in-court guilty pleas (850); and that 40 of the 1,713 cases were possession of marijuana charges; and

WHEREAS, in 2019, the Rolla Municipal Division disposed of 2,284 cases, with 1,665 cases were disposed of either by out-of-court written guilty pleas (825) or by in-court guilty pleas (840); and that 27 of the 1,665 were possession of marijuana charges; and

WHEREAS, Sherri A. Paschal, the Contract Project Manager for the Implementation of Show Me Courts in the Municipal Divisions, an official of the Office of State Courts Administrator ("OSCA"), has issued an opinion that, because Rolla City Code §30-16.d.4(2) attempts to create a procedure similar to a violations bureau for a charge which is not on the state-wide, standardized schedule, then §30-16.d.4(2) violates the provisions of Rules 37.49 and 37.495, and therefore, the plead and pay provisions of §30-16.d.4(2) cannot be implemented; and

WHEREAS, OSCA further opined that this violation further results in: (a) Rolla Municipal Division cannot have a violations bureau order for any other ordinance violation; and (b) every defendant, in every case, must appear in court for every ticket; and

WHEREAS, OSCA cites no statutory or rule authority upon which it based its opinions, other than Rules 37.49 and 37.495; and

IV.A.7

WHEREAS, if every person who receives a ticket was required to come to court, the size of the in-court dockets will increase by 150% to 200%; and that each defendant's time will increase by 300% to 600%, (e.g., waiting in court, longer dockets, waiting in line to pay, etc.); and that Court staff's time in-court and out-of-court would increase 200% to 300% (e.g., additional paperwork and case entries, handling case files more frequently, longer court dockets, longer lines, etc.); and

WHEREAS, in order to handle the additional workload with the Court's current staff will result in staff working excessive amounts of overtime; and

WHEREAS, the undersigned has advised the Rolla City Council, City Administrator and Mayor of OSCA's opinion and the effect its implementation would have on the Court, including but not limited to the effect it would have on the Court's staff; and

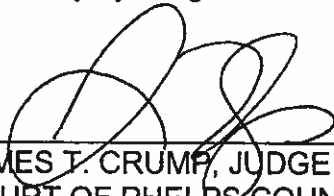
WHEREAS, the Rolla City Council, City Administrator and Mayor are considering taking action which would legislatively remove the potential conflict between Rules 37.49 and 37.495 and §30-16.d.4(2); and that action is contemplated for discussion and possible vote at the Rolla City Council's next meeting on July 20, 2020; and

WHEREAS, if the Court were to implement OSCA's interpretation during the time period the Rolla City Council, City Administrator and Mayor consider their options to legislatively address said potential conflict, it would create a significant burden on defendants, on the Court staff and the City of Rolla which would greatly outweigh any possible benefit received by compliance with OSCA's interpretation; and

IT IS, THEREFORE, ordered, adjudged and decreed that the current violations bureau order in force as of this date shall remain in force until August 1, 2020; or until further notice by this Court; or until a ruling to the contrary by a higher court.

DATE

7 July 2020



JAMES T. CRUMP, JUDGE OF THE CIRCUIT
COURT OF PHELPS COUNTY, MISSOURI,
ROLLA MUNICIPAL DIVISION

IV. A. 8.

CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: John Butz, City Administrator ACTION REQUESTED: 1st/Final

ITEM/SUBJECT: Ordinance to Consider COVID-19 Action

BUDGET APPROPRIATION (IF APPLICABLE) N/A

DATE: July 20, 2020

COMMENTARY: Attached is a draft ordinance that contemplates an extension of the City's COVID-19 regulations. The current ordinance expires on July 21. The ordinance as proposed maintains current restrictions of masks for personal services and an approved health and safety plan for special events involving City services but does not add additional restrictions. Safe distancing, extra sanitation efforts, and masks by patrons are strongly encouraged but not mandated.

Several national retailers with local stores (i.e., Menards, Krogers, Wal-Mart) are now requiring masks to be worn by customers. We can presume that non-compliance and requests by private property owners may require police assistance.

Recommendation: Council consideration including review/termination date.

IV. B.1.

ORDINANCE NO. 45__

AN ORDINANCE AMENDING ORDINANCE NO. 4566 IN THE CITY OF ROLLA, MISSOURI, ALLOWING ALL BUSINESSES TO OPERATE WITHIN THE CITY OF ROLLA WITH PROPER SAFEGUARDS

WHEREAS: the novel coronavirus disease (COVID-19) is considered an infectious, highly contagious communicable and dangerous disease and on March 11, 2020 was declared by the World Health Organization to be a pandemic; and

WHEREAS: on March 13, 2020 the President of the United States declared the outbreak of COVID-19 in the United States constitutes a national emergency; and

WHEREAS: on March 13, 2020 Governor of the State of Missouri, Mike Parson, signed Executive Order 20-02 declaring a State of Emergency in Missouri in response to COVID-19; and

WHEREAS: On March 19, 2020 the Phelps County Commission declared a state of emergency, finding that proactive and extraordinary measures are necessary to prevent community spread of COVID-19; and

WHEREAS: On March 30, 2020 the City Council enacted Ordinance No. 4546 which declared a state of emergency in the City of Rolla through June 30, 2020; and

WHEREAS: On March 30, 2020 the City Council also enacted Ordinance No. 4547 which issued a Stay at Home Order in the City of Rolla through May 11, 2020 with the exception of “essential activities” and “essential businesses”; and

WHEREAS: On April 3, 2020 Missouri Governor Parsons issued an Executive Stay-at-Home Order for the State of Missouri through April 24 and reissued through May 4, 2020; and

WHEREAS: On Monday, April 28, 2020 Missouri Governor Parsons announced Phase 1 of the “Show Me Missouri Recovery Plan” which allows all Missouri businesses to open with safe-spacing requirements of six feet effective Monday, May 4, 2020;

WHEREAS: On Monday, May 4, 2020 the Rolla City Council unanimously approved ordinance No. 4554 to encourage the safe re-opening of all businesses in Rolla, Missouri with limited restrictions;

WHEREAS: On Monday, June 1, 2020 the Rolla City Council approved Ordinance No. 4565 to continue to encourage the safe re-opening of all businesses in Rolla, Missouri with limited restrictions;

WHEREAS: On Monday, June 15, 2020 the Rolla City Council approved Ordinance No. 4566 to extend the safe re-opening of all businesses through July 21, 2020; and

WHEREAS: pursuant to RSMo 77.530 the Rolla City Council in cooperation with the Phelps County Health Department has the authority to issue reasonable quarantine orders and restrictions for the prevention and abatement of contagious diseases, including the authority to prevent the assembling of persons within the city and the closing of businesses and amusements, and conversely the orderly re-opening of such gatherings and businesses.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AS FOLLOWS:

SECTION 1. Effective date and applicability.

The Rules and Regulations contained in this order shall be **effective 6:00 a.m. on Tuesday, July 20, 2020** and will continue **through _____, 2020** unless amended by action of the Rolla City Council. By enactment hereof the City Council is also extending the declared state of emergency that currently runs through September 30, 2020 unless amended by action of the Rolla City Council.

SECTION 2. Intent.

By enacting this Order it is the express intent to encourage all citizens to maintain minimum 6' social spacing in all activities outside of the home to slow the spread of COVID-19 within the City of Rolla while enabling businesses and services to operate safely.

The plan to re-open the economy in the City of Rolla is to encourage businesses to operate while maintaining a healthy workforce by:

- Flattening the curve and ensuring healthcare capacity;
- Protecting healthcare workers, first responders, and other direct care workers;
- Protecting our most vulnerable and at-risk populations
- Partnering with community leaders including Phelps Health, Phelps County Health Department, Rolla Public Schools, Missouri S&T and the Rolla Area Chamber of Commerce;
- Implementing a measured approach to mitigate the risk of a resurgence particularly with respect to the following significant events: summer travelers and visitors, large-scale community events, and the resumption of school activities including Missouri S&T.
- All provisions of this Order shall be interpreted to effectuate this intent.
- Wearing of clean and proper fitting protective masks are encouraged in public places, particularly for those with a compromised immunity system or vulnerable populations to reduce the transmission of COVID-19.

SECTION 3. Safe Operation of Businesses and Services.

Section 3.01. All individuals living in the City of Rolla are encouraged to limit unnecessary travel to COVID-19 hotspots nationally or internationally

To the extent individuals are using shared or outdoor spaces when outside their residence, they should as much as reasonably possible adhere to “Social Distancing Requirements”.

The following guidelines should be considered for all residents:

- Citizens who feel sick should stay home.
- Citizens should continue to practice good hygiene, including: washing hands with soap and water or using hand sanitizer, especially after touching frequently used items or surfaces; avoid touching your face; sneezing or coughing into a tissue or the inside of your elbow; and disinfecting frequently used items and surfaces.
- Citizens should avoid socializing in groups that do not readily allow for appropriate physical distancing. When in public citizens should maximize physical distance from others.
- Citizens are encouraged to wear proper fitting protective masks when visiting businesses or places of assembly.

Section 3.02. All businesses may open; limitations. All businesses and operations are allowed to resume reasonable and necessary activities provided CDC guidelines are maintained and subject to the following restrictions:

- a) Restaurants, bars, and retail food establishments that normally prepare food for on-site consumption may resume dine-in food service subject to safe spacing between tables subject to the following:
 - a. Such businesses are encouraged to provide pickup, drive-through, or delivery services.
 - b. All employees who take food or drink orders or serve prepared foods to customers are required to wear a proper fitting protective mask.
 - c. Tables must be arranged to maintain a minimum spacing of 6’ from any other table if no physical barrier exists. A qualifying physical barrier must extend above the head of adjoining tables or booths. This section shall not apply to establishments with a posted occupancy of 50 or less including employees.
 - d. Bars and restaurants with bar facilities may utilize bar seating provided there is maintained 6’ between group seatings. Bar operators should discourage the gathering and congregating at the bar for the health of patrons, servers and bartenders.
 - e. Self-serve dining, such as food bars, smorgasbords, buffets or salad bars, are allowed provided there is a dedicated server or adequate supervision to ensure that patrons use disposable utensils for self-service in compliance with Health Department approved food service protocols. Self-service items (non-packaged) in gas stations, convenience stores and the like are allowable provided there are sneeze-guards and disposable utensils available for serving.
- b) Personal service businesses (not limited to: tattoo parlors, message therapy, barbershops, hairdressers, nail salons) may continue business subject to the following limitations:
 - a. Employees are required to wear a proper fitting protective mask when interacting with any customer.
 - b. Businesses shall operate with scheduled appointments primarily.

- c. Lobbies or waiting rooms shall provide 6' spacing between unrelated family/household members.
- d. Businesses should encourage patrons to wear a proper fitting protective mask per CDC guidelines
- e. Facilities, seating, therapeutic chairs or beds, and other shared equipment shall be thoroughly sanitized between patrons
- c) Retail, commercial and manufacturing businesses should maintain 6' social distancing for all employees and customers. If 6' social distancing is not reasonably maintained employees shall either wear a proper fitting protective mask or be shielded by an installed barrier.
- d) Nursing homes, long-term care facilities, retirement homes or assisted living homes should follow MO DHSS guidelines on care. All visitors and employees should wear a proper fitting protective mask when engaging with residents within 6' and should perform daily temperature checks or health questionnaire upon arrival.
- e) All persons providing in-home services to the sick or elderly shall:
 - a. Check their own temperature each morning and not report to work if they have any primary COVID-19 symptoms.
 - b. Thoroughly wash hands upon entry of each person's home or place of residence.
 - c. Sanitize any equipment brought into the home that the occupant may touch.
 - d. Wear a properly fitting protective mask during all times that they are within 6' of the client.
- f) All businesses shall:
 - a. Maximize social distancing between employees, employees and customers, and customers (including standing in line, lobbies, aisles, etc.).
 - b. Provide hand-sanitizing stations for employees and customers at entrances and in high volume areas.
 - c. Increase sanitation, including disinfection of common and high-traffic areas.
 - d. Ensure frequent cleaning of high-touch items like door handles, credit card terminals, computers/tablets, etc.
 - e. Run daily temperature checks and/or perform a daily COVID-19 questionnaire on all employees to help identify health conditions on all employees.
 - f. Encourage telework opportunities whenever possible.
 - g. Modify workspace and employment benefits to provide enhanced flexibility and safety
 - h. Develop an infectious disease preparedness and response plan, including procedures for workforce contact tracing if an employee tests positive for COVID-19.

Section 3.03. Social activities. All public and private gatherings shall be permitted provided standard occupancy restrictions are adhered to and social distancing is encouraged. Nothing in this Order prohibits the gathering of members of a household or residence of individuals who reside in such residence.

All places of amusement, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, water parks, roller skating rinks, museums, arcades, fairs, children's play centers, private playground (including children's play structures), funplexes, bowling alleys, movie and other theaters, concert and music halls, and golf clubs, social clubs and athletic clubs may operate provided they comply with CDC guidelines. Special events that take place on City property or on public right-of-way or special events that require the utilization or support of emergency services including public works, police, fire or EMS, shall provide a written health and safety plan. Said written health and safety plan must be approved by City and the Phelps County Health Department no less than fourteen (14) days prior to event.

Churches and other places of worship may continue services (including weddings, funerals, wakes, memorial services or similar gatherings) but should comply with CDC guidelines including social distancing and additional sanitizing practices.

All public parks, public restrooms and outdoor recreation areas may open. Park and recreational facilities and amenities including sports leagues, playgrounds, pavilions, The Centre and other group activities, and other City properties and services, may be opened upon order by the Mayor of the City of Rolla in keeping with CDC guidelines and proper industry practices.

SECTION 4. Definitions.

For purposes of this order, these terms, regardless of whether capitalized, are defined as follows:

- A. "Business" or "businesses" means any for-profit companies, non-profit organizations, benevolent associations, limited liability companies, or partnerships, regardless of legal organization, form, entity, tax-treatment, or structure;
- B. "CDC" means the Centers for Disease Control and Prevention of the United States Department of Health and Human Services;
- C. "City" means Rolla, Missouri;
- D. "Gathering" means an occasion when people come together as a group, whether formal or informal and whether public or private;
- E. "Residences" means a house, a condominium unit, an apartment unit, a dwelling, a hotel room, a motel room, a shared rental unit, shelters, or similar facilities but extends only within the bounds of a person's ownership, the person's leasehold interest, or the space occupied in a hotel, motel or shared rental unit and does not include common areas;
- F. "Social Distancing Requirements" means the social distancing recommendations of the CDC which include maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer with more than sixty percent alcohol, covering coughs or sneezes with something other than hands, regularly cleaning high-touch surfaces, and not shaking hands, or as otherwise defined by order;

SECTION 5. Enforcement; Severability

Section 5.01. Application with other laws. Unless otherwise specifically provided or suspended in this Order, any order of the Mayor, or any Executive Order, this Order shall not supplant, supersede, replace, rescind, amend, or modify any other law or ordinance.

Section 5.02. Inspection by City. The City shall designate Inspectors charged with regular, daily monitoring of businesses and organizations for compliance with this order.

Section 5.03. Enforcement. Violation of a repeated failure to comply with this Order is a misdemeanor crime punishable by fine. In addition to the criminal enforcement authority of the Prosecuting Attorney, the City Counselor is delegated the authority to take appropriate actions with respect to any person or business that has failed to comply or attempted to fail to comply with the Order, including, after offering notice and an opportunity to be heard that are reasonable in the circumstances or other actions the City Counselor may deem appropriate to ensure compliance with this Order, to address non-compliance, or to deter non-compliance by others. The City Counselor may also seek emergency injunctive or other civil relief as the City Counselor deems appropriate. Any action by the City Counselor, if taken after consulting the Mayor, shall be considered an emergency proceeding that is necessary to protect the public health and safety.

Section 5.04. Savings clause. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of the Order are severable.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2020.

APPROVED:

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Counselor

**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT HEAD: Steve Hargis

ACTION REQUESTED: Motion for Bid Award x 2

ITEM/SUBJECT: SW WWTP Clarifier Repair

BUDGET APPROPRIATION: Sewer \$0.00

DATE: 7/20/2020

COMMENTARY:

City staff received bids to repair a failed clarifier at the Southwest Wastewater Treatment Plant. The parts to repair the clarifier are only available from one source.

Midstate Pipeline Belle, MO	Heggemann Plumbing Warrenton, MO	McClanahan Construction Rogersville, MO	Ressler & Ass. Ballwin, MO
Labor \$23,400.00	Labor \$29,484.00	Labor \$41,600.00	Parts \$33,282.14

Staff recommends awarding the bid for the repair parts to Ressler & Associates, Inc. of Ballwin MO for \$33,282.14

Staff recommends awarding the bid for repairing the clarifier to Midstate Pipeline Maintenance LLC for \$23,400.00

ITEM NO. VI A.1

POSSESSION OF MARIJUANA

	<u>STATE LAW</u>	<u>CURRENT ROLLA ORDINANCE</u>
1st offense & under 10 grams	Max: fine of \$500	Max: fine of \$100
2nd or subsequent offense	Max: \$2K fine & 1 year jail	Max: \$500 fine & 90 days jail
10-35 grams	Max: \$2k fine & 1 year jail	Max: \$500 fine & 90 days jail
Above 35 grams	2-7 years prison & \$10k fine	State charge

Also note that to be considered a prior offense, state law requires a prior finding of guilt for any drug offense, while the current Rolla ordinance prescribes the lower punishment for those with “no prior history of drug offenses.”

VI. B. 1.

CITY AUDIT COMMITTEE

Sec. 13-5. Audit Committee; selection of members, term of office.

The Audit Committee is hereby established consisting of five members. The members of the committee shall include three members from the City Council, representing the widest range of the city possible, having been appointed by the Mayor subject to the consent and ratification of the City Council. The term shall be annual and members shall be eligible to succeed themselves. The City Administrator and Finance Director shall also be members of the committee. (Ord. 3625, §1; Ord. 3767, §1)

Sec. 13-6. Duties generally.

There shall be an Audit Committee, which shall serve as an advisory committee to the Mayor and City Council. The committee may participate in the selection of the auditing firms, participate in the review of the City's investment program and make recommendations on major financial matters to the City Council as needed. The committee shall also participate in the pre-audit as well as the post-audit. The committee shall foster communication between auditors, staff, council members and the mayor to provide a better understanding of the city's financial affairs.

